

REMARKS

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of April 6, 2009. Claims 1, 4 and 5 are amended. Claims 6 and 22-53 are cancelled without prejudice.

The Office Action

The Examiner had rejected claims 1-11, 21 and 53 for not complying with 35 U.S.C. 112, first paragraph stating that the specification is enabling for diagnosing SDS based on some SBDS mutations associated with SDS, but not all mutations. Solely to further the prosecution of the application, claim 1 has been amended to include certain of the mutations listed in claims 6 and 53, both of which are now cancelled without prejudice. Claim 1 now incorporates the mutations noted by the Examiner to be enabled and that are fully supported by the specification as filed. It is noted that claims 2-11 are dependent claims that all eventually depend back to amended claim 1. Similarly, claim 21 depends ultimately back to amended claim 1.

We note that the Examiner indicates that that the mutations noted and now recited in claim 1 render the claims allowable.

We also note the Examiner's comments regarding the withdrawal of the remaining rejections raised in the last Office Action

CONCLUSION

For the reasons detailed above, it is submitted all remaining claims (Claims 1-5, 7-11 and 21) are now in condition for allowance. An early notice to that effect is therefore earnestly solicited.

☒ This is an authorization under 37 CFR 1.136(a)(3) to treat any concurrent or future reply, requiring a petition for extension of time, as incorporating a petition for the appropriate extension of time.

☒ The Commissioner is hereby authorized to charge any filing or prosecution fees which may be required, under 37 CFR 1.16, 1.17, and 1.21 (but not 1.18), or to credit any overpayment, to Deposit Account No. 502235.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call David M. Kohn, at Telephone Number (858) 735-0843.

Respectfully submitted,

CATALYST LAW GROUP, APC



August 3, 2009

Date

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